Per G.S. Singhvi, CJ

This appeal is directed against order dated 28-09-2005 passed by the learned Single Judge in Writ Petition No.12673 of 2005 whereby he declined to nullify order dated 08-04-2005 passed by Revenue Divisional Officer, Tenali, Guntur District-2nd respondent for cancellation of Pattedar passbooks No.685175 and 685176 issued in favour of M.Bapi Raju (respondent No.4) and L.Srinivasa Rao (respondent No.5).

In the writ petition filed by her, the appellant alleged that she is absolute owner in possession of land measuring Ac.8-60 cents in Survey Nos.785/2, 399 and 790 situated in Yazali Village, Karlapalem Mandal, Guntur District. According to her, this property belongs to one Yabaluri Venkata Ramanaiah and her father Raghava Rao, on whose death the disputed land fell to her share. In 1985, Mandal Revenue Officer, Karlapalem Mandal also issued Pattedar passbook and title deeds in her favour after holding enquiry in accordance with the provisions contained in A.P.Rights in Land and Pattedar Passbooks Act, 1971 (for short 'the Act').

In October 2004 respondents No.4 and 5 are said to have purchased the property in question and then applied for issuing Pattedar Pass Book and title deed. On their application, the Mandal Revenue Officer passed order dated 11-10-2004 and issued passbook and title deeds in their favour. The appellant filed civil suits vide O.S.Nos.156/2004 and 283/2004 in the Court of Senior Civil Judge, Bapatla and Junior Civil Judge, Bapatla respectively for cancellation of sale-deeds. She also filed a petition before respondent No.2 for cancellation of the Pattedar passbooks/title deeds issued in favour of respondents No.4 and 5. By an order dated

8-4-2005 respondent No.2 cancelled the Pattedar passbooks issued in favour of the appellant as also respondents No.4 and 5 by observing that the issue of title can be decided only by the Civil Courts before whom the suit had been filed.

The appellant challenged order dated 8-4-2005 by filing revision before District Collector, Guntur (respondent No.1) and then filed writ petition for issuance of a

mandamus to respondent No.1 to decide her representation dated 13-5-2005.

The learned Single Judge dismissed the writ petition by observing that the remedy available to the petitioner in the matter of cancellation of Pattedar passbooks is by filing a civil suit in terms of Section 8 (2) of the Act.

We have heard learned counsel for the parties and Revenue Officer, Karlapalem Mandal, Guntur Djistrict-3rd respondent in issuing pattedar passbooks and title deeds in favour of respondents 4 and 5 without following the procedure contemplated by the Act was arbitrary.

Admittedly, petitioner had filed revision petition under Section 9 of the Act questioning the correctness of order dated 08-04-2005 passed by the Revenue Divisional Officer. During the pendency of that petition, she did not have any occasion to seek invalidation of pattedar passbooks issued in favour of respondents 4 and 5. To her misfortune, learned Single Judge while dismissing the writ petition, made certain observations even on the merits of order dated 08-04-2005.

In our opinion, since the revision petition filed by the petitioner is pending before respondent No.1, learned Single Judge should have declined to entertain the appellant's grievance on the merits of order dated 08-04-2005 and left her free to pursue the remedy of revision.

Be that as it may, we feel that ends of justice would be met by directing respondent No.1 to finally adjudicate the revision petition within a period of three months from the date of submission of the certified copy of this order without being influenced by the observations made in the order under being afforded opportunity of hearing. They shall also be entitled to question the very maintainability of the revision petition in the face of Section 8 (2) of the Act. We

have no doubt that if any such application is filed within a period of two weeks from today, the revisional authority will entertain their request and pass final order in the revision petition after giving them reasonable opportunity of hearing.

With the above observations, the writ appeal is disposed of.

G.S. SINGHVI, C.J.

Date:19-12-2005

R. SUBHASH REDDY, J

PV

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL No.2473 OF 2005

Between:

Pulipaka Kameswari, W/o. P. Hanumantharao,

Hindu, aged 55 years, R/o. Yazili village,

Karlapalem Mandal, Guntur District.

.. Appellant

AND

The District Collector, Guntur District & 4 others

.. Respondents

::JUDGMENT::

Counsel for the Appellant : Mr. P. Raja Sekhar

Counsel for Respondents 1 to 3 : G.P. for Revenue

Counsel for Respondents 4 & 5: Mr. R. Radhakrishna Reddy

19th December, 2005